

**ASSEMBLY BILL**

**No. 2008**

**Introduced by Assembly Member Woods**

February 18, 1998

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An act to repeal and add Sections 470, 475, 476, 484e, 484f, 484g, and 484i of the Penal Code, relating to financial crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2008, as introduced, Woods. Financial crimes.

(1) Existing law prohibits the forging, counterfeiting, possession, receipt, passing off or use of any false check, bond, bank bill, money order warrant, promissory note, invoice, contract or other financial instrument with the intent to defraud. Existing law also prohibits the sale, transfer, conveyance, forgery, alteration, or use of any access card or access card information, as defined, with intent to defraud.

This bill would substantially recodify the above provisions, thereby making a technical change. This bill would also provide that traveler's checks are a financial instrument, subject to these prohibitions. By changing the definition and expanding the scope of existing crimes, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 470 of the Penal Code is  
2 repealed.  
3 470. ~~(a) Every person who, with intent to defraud,~~  
4 ~~signs the name of another person, or a fictitious person,~~  
5 ~~knowing that he or she has no authority so to do, to, or~~  
6 ~~falsely makes, alters, forges, or counterfeits, any charter,~~  
7 ~~letters patent, deed, lease, indenture, writing obligatory,~~  
8 ~~will, testament, codicil, bond, covenant, bank bill or note,~~  
9 ~~post note, check, draft, bill of exchange, contract,~~  
10 ~~promissory note, due bill for the payment of money or~~  
11 ~~property, receipt for money or property, passage ticket,~~  
12 ~~lottery ticket or share purporting to be issued under the~~  
13 ~~California State Lottery Act of 1984, trading stamp, power~~  
14 ~~of attorney, certificate of ownership or other document~~  
15 ~~evidencing ownership of a vehicle or undocumented~~  
16 ~~vessel, or any certificate of any share, right, or interest in~~  
17 ~~the stock of any corporation or association, or any~~  
18 ~~controller's warrant for the payment of money at the~~  
19 ~~treasury, county order or warrant, or request for the~~  
20 ~~payment of money, or the delivery of goods or chattels of~~  
21 ~~any kind, or for the delivery of any instrument of writing,~~  
22 ~~or acquittance, release, or receipt for money or goods, or~~  
23 ~~any acquittance, release, or discharge of any debt,~~  
24 ~~account, suit, action, demand, or other thing, real or~~  
25 ~~personal, or any transfer or assurance of money,~~  
26 ~~certificate of shares of stock, goods, chattels, or other~~  
27 ~~property whatever, or any letter of attorney, or other~~  
28 ~~power to receive money, or to receive or transfer~~  
29 ~~certificates of shares of stock or annuities, or to let, lease,~~  
30 ~~dispose of, alien, or convey any goods, chattels, lands, or~~  
31 ~~tenements, or other estate, real or personal, or any~~  
32 ~~acceptance or endorsement of any bill of exchange,~~  
33 ~~promissory note, draft, order, or any assignment of any~~  
34 ~~bond, writing obligatory, promissory note, or other~~  
35 ~~contract for money or other property; or counterfeits or~~

1 ~~forges the seal or handwriting of another; or utters,~~  
2 ~~publishes, passes, or attempts to pass, as true and genuine,~~  
3 ~~any of the above-named false, altered, forged, or~~  
4 ~~counterfeited matters, as above specified and described,~~  
5 ~~knowing the same to be false, altered, forged, or~~  
6 ~~counterfeited, with intent to prejudice, damage, or~~  
7 ~~defraud any person; or who, with intent to defraud, alters,~~  
8 ~~corrupts, or falsifies any record of any will, codicil,~~  
9 ~~conveyance, or other instrument, the record of which is~~  
10 ~~by law evidence, or any record of any judgment of a court~~  
11 ~~or the return of any officer to any process of any court, is~~  
12 ~~guilty of forgery.~~

13 ~~(b) Upon a trial for forging any bill or note purporting~~  
14 ~~to be the bill or note of an incorporated company or bank,~~  
15 ~~or for passing, or attempting to pass, or having in~~  
16 ~~possession with intent to pass, any forged bill or note, it~~  
17 ~~is not necessary to prove the incorporation of the bank or~~  
18 ~~company by the charter or act of incorporation, but it~~  
19 ~~may be proved by general reputation; and persons of skill~~  
20 ~~are competent witnesses to prove that the bill or note is~~  
21 ~~forged or counterfeited.~~

22 SEC. 2. Section 470 is added to the Penal Code, to  
23 read:

24 470. (a) Every person who, with the intent to  
25 defraud, knowing that he or she has no authority to do so,  
26 signs the name of another person or of a fictitious person  
27 to any of the items listed in subdivision (d) is guilty of  
28 forgery.

29 (b) Every person who, with the intent to defraud,  
30 counterfeits or forges the seal or handwriting of another  
31 is guilty of forgery.

32 (c) Every person who, with the intent to defraud,  
33 alters, corrupts, or falsifies any record of any will, codicil,  
34 conveyance, or other instrument, the record of which is  
35 by law evidence, or any record of any judgment of a court  
36 or the return of any officer to any process of any court, is  
37 guilty of forgery.

38 (d) Every person who, with the intent to defraud,  
39 falsely makes, alters, forges, or counterfeits, utters,  
40 publishes, passes or attempts or offers to pass, as true and

1 genuine, any of the following items, knowing the same to  
2 be false, altered, forged, or counterfeited, is guilty of  
3 forgery: Any check, bond, bank bill, or note, cashier's  
4 check, traveler's check, money order, post note, draft,  
5 any controller's warrant for the payment of money at the  
6 treasury, county order or warrant, or request for the  
7 payment of money, receipt for money or goods, bill of  
8 exchange, promissory note, order, or any assignment of  
9 any bond, writing obligatory, or other contract for money  
10 or other property, contract, due bill for payment of  
11 money or property, receipt for money or property,  
12 passage ticket, lottery ticket or share purporting to be  
13 issued under the California State Lottery Act of 1984,  
14 trading stamp, power of attorney, certificate of  
15 ownership or other document evidencing ownership of a  
16 vehicle or undocumented vessel, or any certificate of any  
17 share, right, or interest in the stock of any corporation or  
18 association, or the delivery of goods or chattels of any  
19 kind, or for the delivery of any instrument of writing, or  
20 acquittance, release or discharge of any debt, account,  
21 suit, action, demand, or any other thing, real or personal,  
22 or any transfer or assurance of money, certificate of shares  
23 of stock, goods, chattels, or other property whatever, or  
24 any letter of attorney, or other power to receive money,  
25 or to receive or transfer certificates of shares of stock or  
26 annuities, or to let, lease, dispose of, alien, or convey any  
27 goods, chattels, lands, or tenements, or other estate, real  
28 or personal.

29 (e) Upon a trial for forging any bill or note purporting  
30 to be the bill or note of an incorporated company or bank,  
31 or for passing, or attempting to pass, or having in  
32 possession with intent to pass, any forged bill or note, it  
33 is not necessary to prove the incorporation of the bank or  
34 company by the charter or act of incorporation, but it  
35 may be proved by general reputation; and persons of skill  
36 are competent witnesses to prove that the bill or note is  
37 forged or counterfeited.

38 SEC. 3. Section 475 of the Penal Code is repealed.

39 ~~475. Every person who has in his or her possession, or~~  
40 ~~receives from another person, any forged promissory~~

1 ~~note or bank bill, or bills, or any counterfeited trading~~  
2 ~~stamp, or stamps, or lottery ticket or share purporting to~~  
3 ~~be issued under the California State Lottery Act of 1984,~~  
4 ~~or tickets or shares, for the payment of money or~~  
5 ~~property, with the intention to pass the same, or to~~  
6 ~~permit, cause, or procure the same to be uttered or~~  
7 ~~passed, with the intention to defraud any person,~~  
8 ~~knowing the same to be forged or counterfeited, or has or~~  
9 ~~keeps in his or her possession any blank or unfinished note~~  
10 ~~or bank bill made in the form or similitude of any~~  
11 ~~promissory note or bill for payment of money or property,~~  
12 ~~made to be issued by any incorporated bank or banking~~  
13 ~~company, or any blank or unfinished check, money order,~~  
14 ~~or traveler's check, made in the form or similitude of any~~  
15 ~~check, money order, or traveler's check, whether the~~  
16 ~~parties thereto are real or fictitious, with intention to fill~~  
17 ~~up and complete the blank and unfinished note or bill,~~  
18 ~~check, money order, or traveler's check, or to permit, or~~  
19 ~~cause, or procure the same to be filled up and completed~~  
20 ~~in order to utter or pass the same, or to permit, or cause,~~  
21 ~~or procure the same to be uttered or passed, to defraud~~  
22 ~~any person, is punishable by imprisonment in the state~~  
23 ~~prison, or by imprisonment in the county jail for not more~~  
24 ~~than one year.~~

25 SEC. 4. Section 475 is added to the Penal Code, to  
26 read:

27 475. (a) Every person who possesses or receives, with  
28 the intent to pass or facilitate the passage or utterance of  
29 any forged, altered, or counterfeit items, or completed  
30 items contained in subdivision (d) of Section 470 with  
31 intent to defraud, knowing the same to be forged, altered,  
32 or counterfeit, is guilty of forgery.

33 (b) Every person who possesses any blank or  
34 unfinished note, bank bill, money order, or traveler's  
35 check, whether real or fictitious, with the intention of  
36 completing the same or the intention of facilitating the  
37 completion of the same, in order to defraud any person,  
38 is guilty of forgery.

39 (c) Every person who possesses any completed check,  
40 money order, traveler's check, warrant or county order,

1 whether real or fictitious, with the intent to utter or pass  
2 or facilitate the utterance or passage of the same, in order  
3 to defraud any person, is guilty of forgery.

4 SEC. 5. Section 476 of the Penal Code is repealed.

5 ~~476. Every person who makes, passes, utters, or~~  
6 ~~publishes, with intention to defraud any other person, or~~  
7 ~~who, with the like intention, attempts to pass, utter, or~~  
8 ~~publish, or who has in his possession, with like intent to~~  
9 ~~utter, pass, or publish, any fictitious bill, note, or check,~~  
10 ~~purporting to be the bill, note, or check, or other~~  
11 ~~instrument in writing for the payment of money or~~  
12 ~~property of some bank, corporation, copartnership, or~~  
13 ~~individual, when, in fact, there is no such bank,~~  
14 ~~corporation, copartnership, or individual in existence,~~  
15 ~~knowing the bill, note, check, or instrument in writing to~~  
16 ~~be fictitious, is punishable by imprisonment in the county~~  
17  ~~jail for not more than one year, or in the state prison.~~

18 SEC. 6. Section 476 is added to the Penal Code, to  
19 read:

20 476. Every person who makes, passes, utters, or  
21 publishes, with intent to defraud any other person, or  
22 who, with the like intent, attempts to pass, utter, or  
23 publish, or who has in his or her possession, with like  
24 intent to utter, pass, or publish, any fictitious or altered  
25 bill, note, or check, purporting to be the bill, note, or  
26 check, or other instrument in writing for the payment of  
27 money or property of any real or fictitious financial  
28 institution as defined in Section 186.9 is guilty of forgery.

29 SEC. 7. Section 484e of the Penal Code is repealed.

30 ~~484e. (a) Every person who acquires an access card~~  
31 ~~from another without the cardholder's or issuer's consent~~  
32 ~~or who, with knowledge that it has been so acquired,~~  
33 ~~acquires the access card, with intent to use it or to sell or~~  
34 ~~transfer it to a person other than the issuer or the~~  
35 ~~cardholder is guilty of petty theft.~~

36 ~~(b) Every person who acquires an access card that he~~  
37 ~~or she knows to have been lost, mislaid, or delivered~~  
38 ~~under a mistake as to the identity or address of the~~  
39 ~~cardholder, and who retains possession with intent to use~~

1 ~~it or to sell it or to transfer it to a person other than the~~  
2 ~~issuer or the cardholder is guilty of petty theft.~~

3 ~~(c) Every person who sells, transfers, conveys, or~~  
4 ~~receives an access card with the intent to defraud, or who~~  
5 ~~acquires an access card with the intent to use it~~  
6 ~~fraudulently, is guilty of grand theft.~~

7 ~~(d) Every person other than the issuer, who within any~~  
8 ~~consecutive 12-month period, acquires access cards~~  
9 ~~issued in the names of four or more persons which he or~~  
10 ~~she has reason to know were taken or retained under~~  
11 ~~circumstances which constitute a violation of subdivision~~  
12 ~~(a), (b), or (c) is guilty of grand theft.~~

13 ~~(e) Every person who acquires access card account~~  
14 ~~information with respect to an access card validly issued~~  
15 ~~to another person, without the cardholder's or issuer's~~  
16 ~~consent, with the intent to use it fraudulently is guilty of~~  
17 ~~grand theft.~~

18 SEC. 8. Section 484e is added to the Penal Code, to  
19 read:

20 484e. (a) Every person who, with intent to defraud,  
21 sells, transfers, or conveys, an access card, without the  
22 cardholder's or issuer's consent, is guilty of grand theft.

23 (b) Every person, other than the issuer, who within  
24 any consecutive 12-month period, acquires access cards  
25 issued in the names of four or more persons which he or  
26 she has reason to know were taken or retained under  
27 circumstances which constitute a violation of subdivision  
28 (a) or (c) is guilty of grand theft.

29 (c) Every person who, with the intent to defraud,  
30 acquires or retains possession of an access card, without  
31 the cardholder's or issuers consent, with intent to use, sell,  
32 or transfer it to a person other than the cardholder is  
33 guilty of petty theft.

34 SEC. 9. Section 484f of the Penal Code is repealed.

35 484f. (a) ~~Every person who, with intent to defraud,~~  
36 ~~designs, makes, alters, or embosses a counterfeit access~~  
37 ~~card or utters or otherwise attempts to use a counterfeit~~  
38 ~~access card is guilty of forgery.~~

39 (b) ~~A person other than the cardholder or a person~~  
40 ~~authorized by him or her who, with intent to defraud,~~

1 ~~signs the name of another or of a fictitious person to an~~  
2 ~~access card, sales slip, sales draft, or instrument for the~~  
3 ~~payment of money which evidences an access card~~  
4 ~~transaction, is guilty of forgery.~~

5 ~~(e) Every person who, with intent to defraud, alters,~~  
6 ~~varies, changes, or modifies access card account~~  
7 ~~information on any part of an access card, including~~  
8 ~~information encoded in a magnetic stripe or other~~  
9 ~~medium on the access card not directly readable by the~~  
10 ~~human eye, or who authorizes or consents to alteration,~~  
11 ~~variance, change, or modification of access card account~~  
12 ~~information by another, in a manner that causes~~  
13 ~~transactions initiated by that access card to be charged or~~  
14 ~~billed to a person other than the cardholder to whom the~~  
15 ~~access card was issued, is guilty of forgery.~~

16 SEC. 10. Section 484f is added to the Penal Code, to  
17 read:

18 484f. (a) Every person who, with the intent to  
19 defraud, designs, makes, alters, or embosses a counterfeit  
20 access card or utters or otherwise attempts to use a  
21 counterfeit access card is guilty of forgery.

22 (b) A person other than the cardholder or a person  
23 authorized by him or her who, with the intent to defraud,  
24 signs the name of another or of a fictitious person to an  
25 access card, sales slip, sales draft, or instrument for the  
26 payment of money which evidences an access card  
27 transaction, is guilty of forgery.

28 SEC. 11. Section 484g of the Penal Code is repealed.

29 ~~484g. Every person, who with intent to defraud,~~  
30 ~~(a) uses for the purpose of obtaining money, goods,~~  
31 ~~services or anything else of value an access card or access~~  
32 ~~card account information altered, obtained, or retained~~  
33 ~~in violation of Section 484e or 484f or an access card which~~  
34 ~~he or she knows is forged, expired, or revoked, or~~  
35 ~~(b) obtains money, goods, services or anything else of~~  
36 ~~value by representing without the consent of the~~  
37 ~~cardholder that he or she is the holder of an access card~~  
38 ~~or by representing that he or she is the holder of an access~~  
39 ~~card and the card has not in fact been issued, is guilty of~~  
40 ~~theft. If the value of all money, goods, services and other~~

~~things of value obtained in violation of this section exceeds four hundred dollars (\$400) in any consecutive six-month period, then the same shall constitute grand theft.~~

SEC. 12. Section 484g is added to the Penal Code, to read:

484g. Every person, who with the intent to defraud, (a) uses, for the purpose of obtaining money, goods, services, or anything else of value an access card or access card account information that has been altered, obtained, or retained in violation of Section 484e or 484f, or an access card which he or she knows is forged, expired, or revoked, or (b) obtains money, goods, services, or anything else of value by representing without the consent of the cardholder that he or she is the holder of an access card and the card has not in fact been issued, is guilty of theft. If the value of all money, goods, services, and other things of value obtained in violation of this section exceeds four hundred dollars (\$400) in any consecutive six-month period, then the same shall constitute grand theft.

SEC. 13. Section 484i of the Penal Code is repealed.

~~484i. (a) Every person who possesses an incomplete access card, with intent to complete it without the consent of the issuer is guilty of a misdemeanor.~~

~~(b) Every person who designs, makes, possesses, or traffics in card making equipment or incomplete access cards with the intent that the equipment or cards be used to make counterfeit access cards, is punishable by imprisonment in the county jail for not more than one year, or by imprisonment in the state prison.~~

SEC. 14. Section 484i is added to the Penal Code, to read:

484i. (a) Every person who possesses an incomplete access card, with intent to complete it without the consent of the issuer, is guilty of a misdemeanor.

(b) Every person who, with the intent to defraud, makes, alters, varies, changes, or modifies access card account information on any part of an access card, including information encoded in a magnetic stripe or

1 other medium on the access card not directly readable by  
2 the human eye, or who authorizes or consents to  
3 alteration, variance, change, or modification of access  
4 card account information by another, in a manner that  
5 causes transactions initiated by that access card to be  
6 charged or billed to a person other than the cardholder  
7 to whom the access card was issued, is guilty of forgery.

8 (c) Every person who designs, makes, possesses, or  
9 traffics in card making equipment or incomplete access  
10 cards with the intent that the equipment or cards be used  
11 to make counterfeit access cards, is punishable by  
12 imprisonment in a county jail for not more than one year,  
13 or by imprisonment in the state prison.

14 SEC. 15. No reimbursement is required by this act  
15 pursuant to Section 6 of Article XIII B of the California  
16 Constitution because the only costs that may be incurred  
17 by a local agency or school district will be incurred  
18 because this act creates a new crime or infraction,  
19 eliminates a crime or infraction, or changes the penalty  
20 for a crime or infraction, within the meaning of Section  
21 17556 of the Government Code, or changes the definition  
22 of a crime within the meaning of Section 6 of Article  
23 XIII B of the California Constitution.

24 Notwithstanding Section 17580 of the Government  
25 Code, unless otherwise specified, the provisions of this act  
26 shall become operative on the same date that the act  
27 takes effect pursuant to the California Constitution.

